



# UNITED STATES PATENT AND TRADEMARK OFFICE

TD

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/867,470  | 05/31/2001  | Hidenori Yokokura    | 35.C15431           | 6870             |
| 5514  | 7590        | 10/05/2006           | EXAMINER            |                  |
| FITZPATRICK CELLA HARPER & SCINTO<br>30 ROCKEFELLER PLAZA<br>NEW YORK, NY 10112 |             |                      | NGUYEN, DUSTIN      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2154                |                  |

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/867,470

Applicant(s)

YOKOKURA, HIDENORI

Examiner

Dustin Nguyen

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 12 – 21 are presented for examination.

#### ***Claim Objections***

2. Claim 20 is objected to because of the following informalities: please correct “a sending stepof” to “a sending step of”. Appropriate correction is required.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/28/2006 has been entered.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2154

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. [ US Patent No 6,415,313 ], in view of Hendren, III [ US Patent No 6,353,855 ].

6. As per claim 12, Yamada discloses the invention substantially as claimed including a network-connectable apparatus, comprising:

a restricting device adapted to restrict access to the network-connectable apparatus by another apparatus in response to a request by the other apparatus [ i.e. judge whether a datagram includes authentication information or not ] [ col 2, lines 26-31; col 4, lines 30-38; and col 17, lines 49-56 ];

a detecting device adapted to detect a whether the request from the other apparatus is a request for inquiry about update of a file [ i.e. the attribute detecting unit checks if-modified-since field of an HTTP request message ] [ col 20, lines 21-27 ];

a discriminating device adapted to discriminate, based on detection by said detecting device, whether a file corresponding to a file cached by the other apparatus has been updated [ i.e. compare ] [ col 20, lines 28-46 ]; and

a sending device which is adapted, in the case where the access to the network-connectable apparatus by the other apparatus is not restricted, selectively to send information representing that the file corresponding to the file cached by the other apparatus has not been updated, to the other apparatus, or to send the updated file to the other apparatus, in accordance with the discrimination by said discrimination device [ i.e. HTTP response message such that

Art Unit: 2154

Status Code (Not Modified ) is created and transferred to the source IP address ] [ col 20, lines 48-59; and col 25, lines 19-23 ].

Yamada does not specifically disclose

in the case where the access to the network-connectable apparatus by the other apparatus is restricted, to send information representing that the access is rejected to the other apparatus, regardless as to whether or not the file corresponding to the file cached by the other apparatus is updated.

Hendren discloses

in the case where the access to the network-connectable apparatus by the other apparatus is restricted, to send information representing that the access is rejected to the other apparatus, regardless as to whether or not the file corresponding to the file cached by the other apparatus is updated [ i.e. Status Code 403 Forbidden often due to invalid authorization ] [ Figure 5; col 1, lines 31-34; col 3, lines 19-31; and col 4, lines 11-28 ].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Yamada and Hendren because Hendren's teaching of supplying error message for display would provide the status indication to indicate success or failure of the user's request [ Hendren, col 1, lines 56-59 ].

7. As per claim 13, Yamada discloses wherein said discrimination device makes its discrimination in accordance with time information included in the request [ col 4, lines 49-53; and col 20, lines 37-41 ].

8. As per claim 14, Yamada does not specifically disclose the information representing the access-rejection is information for describing a screen image which indicates in the other apparatus the reason for the access restriction. Hendren discloses the information representing the access-rejection is information for describing a screen image which indicates in the other apparatus the reason for the access restriction [ i.e. display status description includes text, graphic, video ] [ Abstract; and col 1, lines 44-col 2, lines 4 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Yamada and Hendren because Hendren's teaching of supplying error message for display would provide the status indication to indicate success or failure of the user's request [ Hendren, col 1, lines 56-59 ].

9. As per claim 15, Yamada does not specifically disclose wherein said judging device makes its judgment in accordance with whether the network-connectable apparatus is under maintenance. Hendren discloses wherein said judging device makes its judgment in accordance with whether the network-connectable apparatus is under maintenance [ i.e. HTTP status code descriptions ] [ Figures 4 and 5; and col 4, lines 11-28 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Yamada and Hendren because Hendren's teaching of supplying error message for display would provide the status indication to indicate success or failure of the user's request [ Hendren, col 1, lines 56-59 ].

10. As per claim 16, it is rejected for similar reasons as stated above in claims 12 and 13.

11. As per claim 17, Yamada does not specifically disclose wherein, in a case in which access-restriction is made, said sending device sends the information representing that the access is rejected to the other apparatus without performance of discrimination by said discrimination device. Hendren discloses wherein, in a case in which access-restriction is made, said sending device sends the information representing that the access is rejected to the other apparatus without performance of discrimination by said discrimination device [ i.e. unauthorized ] [ Figure 5; and col 4, lines 11-28 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Yamada and Hendren because Hendren's teaching of supplying error message for display would provide the status indication to indicate success or failure of the user's request [ Hendren, col 1, lines 56-59 ].

12. As per claims 18 and 19, they are rejected for similar reasons as stated above in claims 14 and 15.

13. As per claim 20, it is method claimed of claim 12, it is rejected for similar reasons as stated above in claim 12.

14. As per claim 21, it is method claimed of claims 12 and 13, it is rejected for similar reasons as stated above in claims 12 and 13.

Art Unit: 2154

15. Applicant's arguments with respect to claims 12-21 have been considered but are moot in view of the new ground(s) of rejection.

16. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached at (571) 272-3968. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

Art Unit 2154

